

2 **SHB 2406** - S COMM AMD

3 By Committee on Natural Resources, Parks & Recreation

4 ADOPTED 3/2/00

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read  
8 as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1) "Adaptive management" means reliance on scientific methods to  
12 test the results of actions taken so that the management and related  
13 policy can be changed promptly and appropriately.

14 (2) "Critical pathways methodology" means a project scheduling and  
15 management process for examining interactions between habitat projects  
16 and salmonid species, prioritizing habitat projects, and assuring  
17 positive benefits from habitat projects.

18 (3) "Habitat project list" is the list of projects resulting from  
19 the critical pathways methodology under RCW 75.46.070(2) that shall  
20 receive consideration for funding by the salmon recovery funding board.  
21 Each project on the list must have a written agreement from the  
22 landowner on whose land the project will be implemented, and must be  
23 based on the limiting factors analysis conducted in RCW 75.46.070 when  
24 completed.

25 (4) "Habitat projects" or "projects" include but are not limited to  
26 habitat restoration projects, habitat protection projects, habitat  
27 projects that improve water quality, habitat projects that protect  
28 water quality, habitat-related mitigation projects, fish passage  
29 barrier correction projects, fish screening projects, projects that  
30 accelerate the recovery process such as supplementation of wild stocks,  
31 projects that include the use of side channels, off-stream rearing  
32 enhancement, improvement in overwintering habitat, or use of  
33 acclimation ponds, and habitat project corrective maintenance and  
34 monitoring activities.

35 (~~(4)~~) (5) "Habitat work schedule" means (~~those projects from the~~  
36 ~~habitat project list that will be implemented during the current~~

1 ~~funding cycle~~) development of a table of completed, active, and  
2 potential projects as a basis for critical pathways methodology  
3 analysis. The schedule shall also include (~~a list of the entities and~~  
4 ~~individuals implementing projects,~~) the estimated start date,  
5 duration, (~~estimated~~) date of completion, (~~estimated~~) cost,  
6 affected salmonid species, and funding sources for the projects.

7 (~~(5)~~) (6) "Limiting factors" means conditions that limit the  
8 ability of habitat to fully sustain populations of salmon. (~~These~~  
9 ~~factors are primarily fish passage barriers and degraded estuarine~~  
10 ~~areas, riparian corridors, stream channels, and wetlands.~~

11 (~~(6)~~) (7) "Project sponsor" is a county, city, special district,  
12 tribal government, state agency, a combination of such governments  
13 through interlocal or interagency agreement(~~s provided under chapter~~  
14 ~~39.34 RCW~~), a nonprofit organization, or one or more private citizens.

15 (~~(7)~~) (8) "Salmon" includes all species of the family Salmonidae  
16 which are capable of self-sustaining, natural production except for  
17 Atlantic salmon.

18 (~~(8)~~) (9) "Salmon recovery plan" means a state plan developed in  
19 response to a proposed or actual listing under the federal endangered  
20 species act that addresses limiting factors including, but not limited  
21 to harvest, hatchery, hydropower, habitat, and other factors of  
22 decline.

23 (~~(9)~~) (10) "Salmon recovery activities" or "activities" includes  
24 but is not limited to habitat protection or restoration activities by  
25 local governments, tribes, other public entities, and private entities.  
26 The activities must have as a principal purpose the protection and  
27 restoration of salmonid populations. Salmon recovery activities may  
28 include, but are not limited to: Preparation of stream corridor  
29 guidelines, programmatic permitting, preparation of geographic  
30 information system protocols, and the development of baseline  
31 hydrological data.

32 (11) "Tribe" or "tribes" means federally recognized Indian tribes.

33 (~~(10)~~) (12) "WRIA" means a water resource inventory area  
34 established in chapter 173-500 WAC as it existed on January 1, 1997.

35 (~~(11)~~) (13) "Owner" means the person holding title to the land or  
36 the person under contract with the owner to lease or manage the legal  
37 owner's property.

38 (14) "Board" means the salmon recovery funding board created in RCW  
39 75.46.150.

1       (15) "Listed stocks" means salmon and trout stocks that are listed  
2 or proposed for listing as threatened or endangered under the federal  
3 endangered species act, 16 U.S.C. Sec. 1531 et seq.

4       (16) "SASSI" means the salmon and steelhead stock inventory report  
5 and appendices.

6       (17) "SSHIAP" means the salmon and steelhead habitat inventory and  
7 assessment project.

8       **Sec. 2.** RCW 75.46.170 and 1999 sp.s. c 13 s 5 are each amended to  
9 read as follows:

10       (1) The (~~{salmon—recovery—funding}~~) board shall develop  
11 procedures and criteria for allocation of funds for salmon habitat  
12 projects and salmon recovery activities on a state-wide basis to  
13 address the highest priorities for salmon habitat protection and  
14 restoration. To the extent practicable the board shall adopt an annual  
15 allocation of funding. The allocation should address both protection  
16 and restoration of habitat, and should recognize the varying needs in  
17 each area of the state on an equitable basis. The board has the  
18 discretion to partially fund, or to fund in phases, salmon habitat  
19 projects. The board may annually establish a maximum amount of funding  
20 available for any individual project, subject to available funding. No  
21 projects required solely as a mitigation or a condition of permitting  
22 are eligible for funding.

23       (2)(a) In evaluating, ranking, and awarding funds for projects and  
24 activities the board shall give preference to projects that:

25       (i) Are based upon the limiting factors analysis identified under  
26 RCW 75.46.070;

27       (ii) Provide a greater benefit to salmon recovery based upon the  
28 stock status information contained in the department of fish and  
29 wildlife salmonid stock inventory (SASSI), the salmon and steelhead  
30 habitat inventory and assessment project (SSHIAP), and any comparable  
31 science-based assessment when available;

32       (iii) Will benefit listed species and other fish species; and

33       (iv) Will preserve high quality salmonid habitat.

34       (b) In evaluating, ranking, and awarding funds for projects and  
35 activities the board shall also give consideration to projects that:

36       (i) Are the most cost-effective;

37       (ii) Have the greatest matched or in-kind funding; and

1 (iii) Will be implemented by a sponsor with a successful record of  
2 project implementation.

3 (3) The board may reject, but not add, projects from a habitat  
4 project list submitted by a lead entity for funding.

5 (4) For fiscal year 2000, the board may authorize the interagency  
6 review team to evaluate, rank, and make funding decisions for  
7 categories of projects or activities or from funding sources provided  
8 for categories of projects or activities. In delegating such authority  
9 the board shall consider the review team's staff resources, procedures,  
10 and technical capacity to meet the purposes and objectives of this  
11 chapter. The board shall maintain general oversight of the team's  
12 exercise of such authority.

13 (5) The board shall seek the guidance of the technical review team  
14 to ensure that scientific principles and information are incorporated  
15 into the allocation standards and into proposed projects and  
16 activities. If the technical review team determines that a habitat  
17 project list complies with the critical pathways methodology under RCW  
18 75.46.070, it shall provide substantial weight to the list's project  
19 priorities when making determinations among applications for funding of  
20 projects within the area covered by the list.

21 (6) The board shall establish criteria for determining when block  
22 grants may be made to a lead entity or other recognized regional  
23 recovery entity consistent with one or more habitat project lists  
24 developed for that region. Where a lead entity has been established  
25 pursuant to RCW 75.46.060, the board may provide grants to the lead  
26 entity to assist in carrying out lead entity functions under this  
27 chapter, subject to available funding. The board shall determine an  
28 equitable minimum amount of funds for each region, and shall distribute  
29 the remainder of funds on a competitive basis.

30 (7) The board may waive or modify portions of the allocation  
31 procedures and standards adopted under this section in the award of  
32 grants or loans to conform to legislative appropriations directing an  
33 alternative award procedure or when the funds to be awarded are from  
34 federal or other sources requiring other allocation procedures or  
35 standards as a condition of the board's receipt of the funds. The  
36 board shall develop an integrated process to manage the allocation of  
37 funding from federal and state sources to minimize delays in the award  
38 of funding while recognizing the differences in state and legislative  
39 appropriation timing.

